

CHAPTER 11 DISASTER ASSISTANCE

CONTENTS

Section	Subject	Page Number
11.1	INTRODUCTION	11-3
11.2	INITIAL DEPARTMENTAL ACTIONS	11-4
11.3	PREREQUISITES FOR ALL DISASTER PROGRAMS.....	11-5
	Actions Required by Local Agency	11-5
	Actions Required by Caltrans	11-5
11.4	EMERGENCY RELIEF (ER) PROGRAM (TITLE 23)	11-5
	Limitations	11-6
	Federal Share Reimbursement	11-6
	Eligibility and Programming Requirements	11-7
	Eligibility Criteria	11-7
	Processing of Emergency Relief Projects	11-9
	Right of Way Certification Procedures	11-9
	Contracting Methods	11-10
	Expediting Emergency Relief Projects	11-10
	Sequence of ER Actions to be Performed	11-11
	Reporting of Final Costs	11-13
	References	11-13
11.5	ROBERT R. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT, FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)	11-13
	References	11-13
11.6	CALIFORNIA - NATURAL DISASTER ASSISTANCE ACT (NDAA)	11-13
	NDAA General	11-14
	Basic Procedures Common to All NDAA Disaster Items	11-14
	Special Procedures for Federal-Aid Roads	11-15
	Scope of Program Benefits	11-16
	Classes of Eligible Work	11-16
	Reimbursement Provisions	11-17
	Time Limitations for Work Completion	11-17
	Final Claim, Inspection and Audit	11-17
	Contacts	11-18
	References	11-18

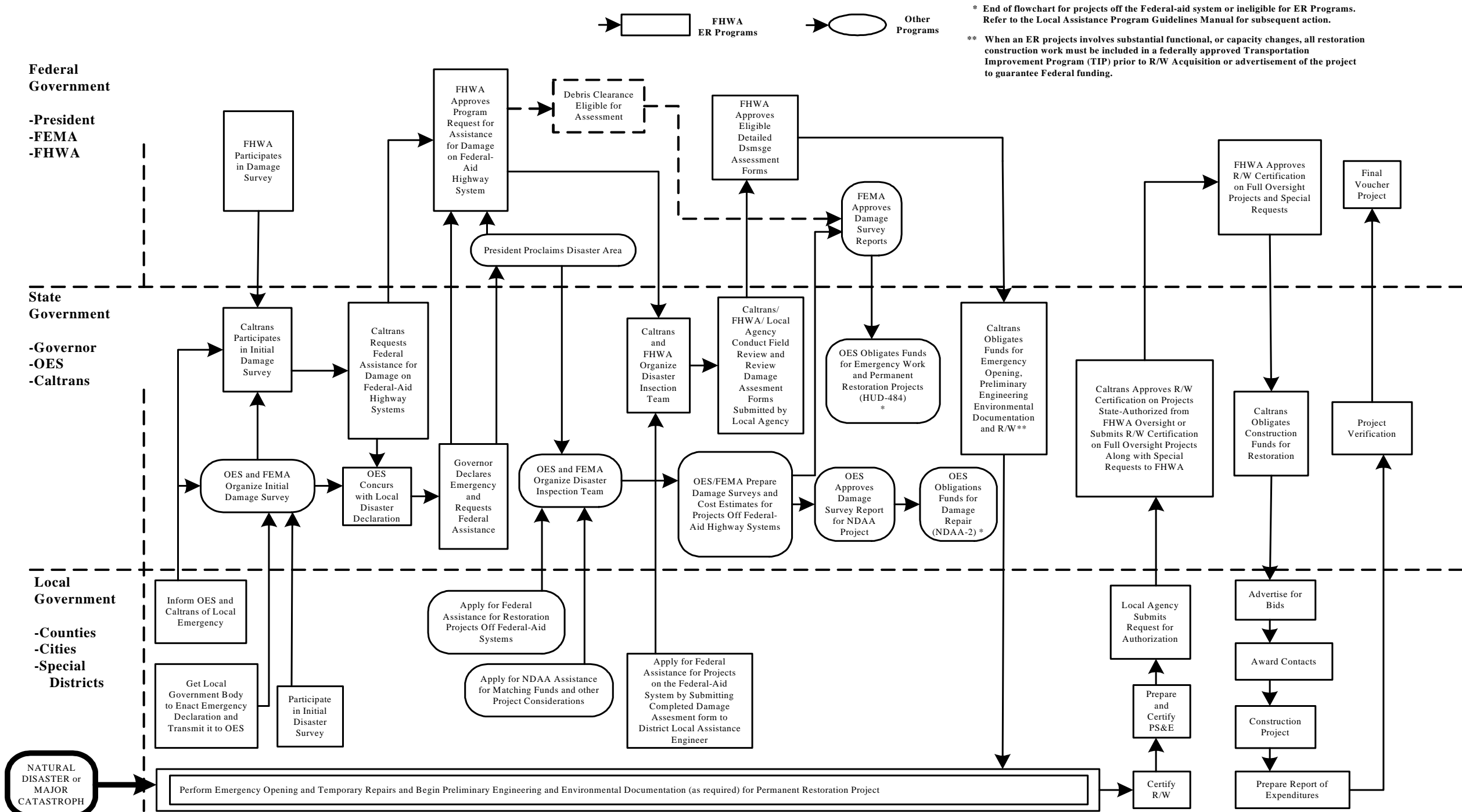
FLOW CHART

Chart	Subject	
11-1	Emergency Relief Program	11-1

EXHIBITS

Exhibits	Description	Page Number
11-A	(1), (2), (3) DAMAGE ASSESSMENT FORMS	11-19
11-B	TITLE 23, LIST OF ER PROJECTS	11-23
11-C	PROJECT APPLICATION FOR NATURAL DISASTER ASSISTANCE (NDAA FORM 1)	11-25
11-D	LIST OF DAMAGED FACILITIES (NDAA EXHIBIT B TO NDAA FORM 1)	11-27
11-E	DAMAGE SURVEY REPORT (NDAA FORM 2)	11-29
11-F	PROJECT SUMMARY (NDAA FORM 4)	11-35
11-G	STATE FINAL INSPECTION REPORT (NDAA FORM 6)	11-37
11-H	CALTRANS DISTRICT LOCAL ASSISTANCE OFFICES	11-39

EMERGENCY RELIEF PROGRAM



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CHAPTER 11 DISASTER ASSISTANCE

11.1 INTRODUCTION

The primary public agency responsible for coordinating disaster assistance is the State Office of Emergency Services (OES). OES, in turn, depends upon various state agencies to furnish detailed disaster information within each Agency's area of expertise. A Governor's Executive Order requires the state agencies to respond to OES' request for assistance by providing engineering personnel, furnishing damage estimates, and/or other services to lessen the effects of a declared disaster. Caltrans is one of three primary state agencies that OES relies upon for disaster services.

Three separate disaster assistance programs provide financial aid to Local Governmental Agencies to reconstruct disaster-damaged transportation facilities. They are discussed below. A local agency must declare itself in a "State of Local Emergency" within ten (10) calendar days of the actual disaster occurrence. Failure to declare a local emergency within the 10-day calendar period may jeopardize the local agency's opportunity of obtaining financial assistance under the various disaster programs.

- **Emergency Relief (ER)** Title 23, Code of Federal Regulations (CFR),
- Section 125 - Federal Highway Administration (FHWA)

This Federal Highway Administration (FHWA) program provides disaster assistance to local agencies for repair and reconstruction of damaged transportation facilities located on federal-aid highways or bridges (i.e. all functionally classified roads except as local roads or rural minor collectors). This program requires a Governor's Proclamation of Emergency and a subsequent request for *disaster* assistance to the federal government. The FHWA administrator must concur with the state's request for emergency relief assistance. Eligibility determinations can begin when the FHWA Administrator concurs with the state's request.

- **Robert T. Stafford Disaster Relief and Emergency Assistance Act**- Federal Emergency Management Agency (FEMA)

Public Law 100-797, the "Robert T. Stafford Disaster Relief and Emergency Assistance Act", provides emergency funds for damage to public transportation facilities not on a federal-aid highway when such damage occurs during a declared disaster. The President activates the program with a Proclamation that a major disaster has occurred over a specific geographical area of the United States.

- **California Natural Disaster Assistance Act (NDAA)** - California State Office of Emergency Services (OES)

NDAA is a state-funded program to provide state financial assistance to local agencies affected by a natural disaster. The Act may also provide local agencies with assistance toward meeting the federal matching share requirement when federal disaster programs are authorized. State agencies are not eligible for assistance under NDAA. OES administers all provisions of the Act, and may request that Caltrans and other state agencies provide engineering personnel and services to assist it in implementing the Act. Biennially, OES initiates an Inter-Agency Agreement with Caltrans to provide OES with engineering personnel and services.

11.2 INITIAL DEPARTMENTAL ACTIONS

Each District Local Assistance Emergency Relief Engineer should immediately contact affected local agencies after each serious disaster event for information regarding damaged facilities. This information is needed by OES to determine if sufficient damage has occurred to warrant requesting participation of Federal Disaster Agencies. OES, FEMA, and the FHWA immediately dispatch one or more Preliminary Damage Assessment (PDA) teams to determine, based upon available information, if a Governor's Proclamation of a State of Emergency and a subsequent Presidential Disaster Area Declaration are warranted.

The District Local Assistance Emergency Relief Engineer should also secure, by telephone, preliminary estimates of damage to transportation facilities (roads, streets, and bridges) in each affected local agency jurisdiction. The results of the District's telephone survey should be segregated by county and faxed immediately to the Caltrans Division of Local Assistance (DLA, Attention: Emergency Relief Program Manager. (The Local Programs Emergency Relief Program Manager is responsible for coordinating interaction with Caltrans' Federal Resources Office and Maintenance Program Manager.) The faxed information should indicate the estimated cost to repair all damage within each affected county. This estimate should identify the damage (emergency opening [EO] and /or permanent restoration [PR]) for each city or other special districts within the county. Separate estimates are to be made for the damage on federal-aid and non-federal-aid public roads (since the type(s) of facility determines the disaster assistance program(s) available to the local agency). Refer to Caltrans Transportation Planning website for functional classification maps at:

<http://www.dot.ca.gov/hq/tsip/TSIPGSC/library/libdatalist.htm#roadbase>

The federal-aid highways damaged must be further segregated into two categories:

- Federal-aid Highway damage, Emergency Relief projects (ER), and/or
- Damage to forest highways and development roads, park roads, and Indian Reservation roads, Emergency Relief Federal-Owned (ERFO).

The District's damage estimate, which is faxed to DLA, may also include a summary of state highway damage located within each county.

All initial reports of damage to state highways and local roads (on-system and off-system, see Chapter 3 "Federal-aid Routes," of the Local Assistance Program Guidelines [LAPG]) are made available to OES. OES has the responsibility for reporting the total estimated cost to mitigate the effects of a disaster to the Governor.

OES will submit a recommendation based upon the results of the PDA to the Governor. The Governor will assess the cost impact upon the State's resources, and, if warranted, will declare the affected area to be in a "State of Emergency". The Governor will also determine whether or not to request the President of the United States to declare the affected area to be a "Disaster Area". The resulting actions of the Governor and/or the President make Federal and State disaster relief programs available to the local agencies.

11.3 PREREQUISITES FOR ALL DISASTER PROGRAMS

ACTIONS REQUIRED BY LOCAL AGENCY

The governing body of a local agency should declare that a "local emergency" exists within its jurisdictional boundaries. The Declaration must be received at either a regional OES office or the Headquarters OES office within ten (10) calendar days of the actual disaster occurrence to preserve eligibility under the California NDAA.

ACTIONS REQUIRED BY CALTRANS

Each disaster-impacted District, in cooperation with the FHWA and local agency Engineers, will conduct a route-by-route windshield survey of all Federal-aid highways if the initial telephone survey indicates that appreciable damage has occurred. The Federal Disaster Agencies may require visual inspection of damage before they will recommend program approval to higher authority.

Prior authorization to participate in "windshield" surveys must be obtained from OES prior to performing any requested inspections off Federal-aid highways. OES may solicit Caltrans' participation in such surveys by a telephone request during the initial stages of a disaster declaration. Telephone requests should be directed to the Local Programs Emergency Relief Program Manager.

11.4 EMERGENCY RELIEF (ER) PROGRAM

Section 125 of Title 23 of the United States Code (23 U.S.C. 125) provides for a continuing Emergency Relief fund. Currently, the maximum amount available to a single State cannot exceed one hundred million dollars (\$100,000,000) per disaster. The funds are to be used for the reconstruction of roads, streets and bridges on Federal-aid highways, Federal domain roads and trails that are damaged by floods, earthquakes, hurricanes or other catastrophes. Federal-aid highways are defined as all functionally classified roads except those roads functionally classified as local roads or rural minor collectors. For damage to roads not on Federal-aid highway local agencies should seek disaster assistance from the State Office of Emergency Services (OES) and the Federal Emergency Management Agency (FEMA). The funds become available when the damage is extensive and an emergency is formally declared by the Governor and approved by the FHWA.

Caltrans, based upon extensive field input of both State and local agency damage reports and in anticipation of a Governor's Proclamation of a State of Emergency, will inform the FHWA Division Administrator that Caltrans intends to request emergency assistance under Title 23. The FHWA Division Administrator, upon receipt of Caltrans' letter of intent, will schedule field reviews and prepare disaster site damage assessment forms, in cooperation with State and local agency Engineers for all damaged roads, streets and bridges on Federal-aid highways.

The FHWA Division Administrator prepares a comprehensive report based upon observations, photographs, analysis, and recommendations regarding the State's request for Emergency Relief under Title 23. The FHWA report, sent to Washington, DC. for evaluation and approval, also includes rainfall and stream flow data (obtained from Caltrans) that covers the disaster incident period.

LIMITATIONS

Extraordinary flooding is considered a natural disaster. However, Emergency Relief funds are not authorized where flooding occurs with regularity and results in little or no damage. Similarly, damage classified as "heavy maintenance" is not eligible for reimbursement with Emergency Relief funds.

Heavy maintenance is defined as normal localized damage that may consist of eroded shoulders, filled ditches and culverts, pavement settlement, mud and debris deposits, slope sloughing, minor slides, and slipouts of cut and fill slopes that do not extend to or affect the traveled way. Guidelines may be developed by Caltrans and FHWA using dollar values to simplify the inspection and estimating requirements at locations where both heavy maintenance and eligible damage have occurred.

Emergency Relief funds may not be used for replacement or repair of a damaged facility when a failure is caused by gradual and progressive deterioration or lack of proper maintenance (i.e., pavement surfaces, slipout, etc.).

Diligent efforts shall be made to recover losses from legally responsible parties whenever damage occurs to transportation facilities resulting from external causes such as from sand mining, collisions by ships, barge tows or highway vehicles.

FEDERAL SHARE REIMBURSEMENT

- Match Ratio:** The Federal reimbursement share of an eligible Emergency Relief project is the normal reimbursement ratio for the highway facility on which the ER project is located (88.53% on local highways).
- Eligibility:** Emergency opening (EO) work necessary to restore essential services (debris clearance, detour signing or construction, placing barricades or other similar emergency operations - including preliminary engineering) that is accomplished within one hundred and eighty (180) calendar days following the incident period shall be reimbursed at a 100 percent ratio. Any eligible work defined as permanent restoration (PR), (usually complex work requiring a PS&E for bidding purposes), regardless of when performed, shall be reimbursed at the normal facility pro-rata ratio.

Emergency relief projects located on Federal-owned lands (forest highways, forest development roads and trails, park roads and trails, parkways, public lands highways, public lands development roads and trails, and roads serving Indian Reservations) are designated “ERFO” projects and are funded 100 percent with ER funds. They are normally designed, repaired and reconstructed by the Central Federal Lands Division of FHWA in Denver, Colorado.

ELIGIBILITY AND PROGRAMMING REQUIREMENTS

Eligibility of all proposed ER projects is contingent upon approval of the FHWA Division Administrator of a state application for emergency relief and inclusion of the work in a approved program of projects. Each ER project must be included in a “Program List of ER Projects” (Exhibit 11-B) prepared by the DLA and submitted to the FHWA. Following the approval of the work described by individual Damage Assessment Forms (DAF) (Exhibit 11-A), the DAFs may be combined into significant units of work to form a project.

Emergency Relief projects (except those involving substantial functional, location or capacity changes) are not required to be included in an approved Federal State Transportation Improvement Program (FSTIP)

ELIGIBILITY CRITERIA

The following criteria are applicable to work reimbursed from the ER Program:

- Projects must be for Federal-aid highways or bridges.
- Prior FHWA approval or “Authorization to Proceed” is not required for EO repairs or preliminary engineering, but, a past eligibility determination is necessary.
- PR repairs (restoration) must have prior approval and authorization to proceed unless the work was accomplished as part of the EO repairs.
Note: Documentation is required if PR work is part of EO repair, e.g. pictures.
- Emergency funds may participate in repairs or reconstruction of damaged facilities within the right of way limits. Typical damage may include, but is not limited to, damage occurring to pavement or other surface courses, shoulders, embankments, cut slopes, roadside development, and stream channels, whether man-made or natural.
- Pavement repairs or reconstruction may also include rock slope protection, cribbing, or other stream bank control features, bridges, retaining walls, culverts and debris removal, including other deposits from roadway drainage channels and the traveled way.
- Preliminary and construction engineering costs associated with approved projects are eligible for Federal reimbursement.
- EO repairs are eligible for Federal reimbursement, including temporary traffic operations undertaken during or immediately following a disaster occurrence for the purpose of:
 - Minimizing the extent of damage.
 - Protecting remaining facilities
 - Restoring essential travel.

Temporary traffic operations may include emergency services such as flagging traffic through inundated sections of highways during or immediately following a disaster.

- The reviewing FHWA Engineer may, on occasion, specify the need for the services of a Specialist Geotechnical Engineer to obtain necessary soils data prior to detailed plan preparation by the local agency. This is an eligible cost under the emergency relief program.
- Betterments; such as upgrading, additional features or change in capacity or character (including relocation) of the facility from its pre-disaster condition, generally are not eligible for ER funding unless they can be economically justified to prevent recurring damage. Economic justification must weigh the cost of the betterment against the risk of recurring damage and the costs of future repairs.

ER funds are not available for:

- Heavy maintenance as previously discussed.
- Repair of surface damage resulting from traffic, whether or not the damage was aggravated by saturated sub-grade or inundation, unless such traffic was necessary during emergency repairs of seriously damaged roads or for the protection of life and property.
- Repair of damage not directly related to and isolated from the main pattern of disaster events.
- Maintenance of detours and temporary surfaces.
- Replacement of damaged or lost material not incorporated into the roadway (stockpiled materials awaiting installation).
- Repair or reconstruction of facilities affected by pre-existing conditions such as flooding occurring within basin areas or damage from slow moving unstable cut or fill slopes.
- PR repairs of previously identified deficient bridges on Federal-aid highways scheduled for replacement with other funds. "Scheduled" is defined as being included in a current or subsequent year's Federal-aid bridge replacement program, or is in plan preparation status from a previous year.

Replacement highway facilities are considered appropriate when it is not technically or economically feasible to repair or restore a seriously damaged roadway element to its pre-disaster condition. ER reimbursement will be limited to the cost of a new facility constructed to current standards and codes conforming to the former facilities capacity and character.

The total project cost eligible for ER funding may not exceed the cost of repair or reconstruction of a comparable facility. Proposed projects that include unsupported betterment features shall be restricted in the use of ER funds to the cost of repair or reconstruction of the comparable facility.

The scope of work eligible under the Emergency Relief Program is established by the FHWA Transportation Engineer during the initial damage inspection and is shown on the Disaster Assessment Form (DAF). Significant quantity deviations and/or change in scope of work from the approved DAF report must be discussed with the FHWA Engineer and DLA's Disaster Assistance Engineer. The FHWA Area Engineer must prepare a supplemental DAF report authorizing the increased cost and scope of work.

A “Significant Quantity Deviations” is:

- For projects between \$3,000.00 and up to \$100,000.00 where the dollar figure is in excess of \$10,000.00 and 25% of the original DAF.
- For projects between \$100,000.00 and up to \$1,000,000.00 where the dollar figure is in excess 15% of the original DAF.
- For projects over 1,000,000.00 where the dollar figure is in excess of 10% of the original DAF

PROCESSING OF EMERGENCY RELIEF PROJECTS

Following program approval by the FHWA Administrator, expenditures for emergency measures, temporary repairs, establishment of detours and preliminary engineering are generally eligible for reimbursement. Reimbursement of funds to a local agency, however, is not permitted until the work described in a DAF is programmed and approved by FHWA. Permanent type restoration work must conform to the same basic procedures used for other classes of Federal-aid Highway construction. The planning requirements, however, have been simplified for ER projects. All ER projects, except those involving substantial functional, locational or capacity changes, are exempt from the TIP/FSTIP process. An “Authorization to Proceed”, must be approved by the FHWA before any permanent restoration type project may be advertised for contract, see Chapter 3, “Project Authorization”, in the *Local Assistance Procedures Manual*.

RIGHT OF WAY CERTIFICATION PROCEDURES

Emergency Repair Phase: A Right of way Certification is required **AFTER** the roadway is opened. The certification is not needed to meet the requirement for advertising, awarding, and administering as the work should already be completed. The Right of way Certification is a formal document to confirm that no individuals or business entities were denied the use of their property during the emergency repair activities and that no personal property was moved. A Right of way Certification Level 1, No Right of way, should be prepared by a District Right of way Agent and kept in the Local Assistance file. see Chapter 13, “Right of Way”, in the *Local Assistance Procedures Manual*.

If either persons or properties were affected during the emergency repair phase, even temporarily, the actions must be reviewed to determine if anyone has a right to be compensated for their loss. If warranted, an appraisal should be prepared followed by the acquisition and relocation assistance. A Right of way Certification Level 1 should be prepared by the District Right of way Agent describing the rights acquired and ensuring that any relocation assistance complies with the Federal Uniform Act. This Right of way Certification should be kept in the Local Assistance file.

Restoration Phase: This phase is to be treated like a regular project and all right of way activities will have to be certified **PRIOR** to advertising, obtaining bids, awarding and administering the contract

CONTRACTING METHODS

A Governor's Proclamation of Emergency usually triggers suspension of the State Contract Act thereby permitting soliciting of informal bids from qualified contractors. This will permit an immediate start of emergency repair work. A local agency should always consult with its legal counsel prior to soliciting informal bids for an emergency type project.

The force account method may be used to perform emergency opening and temporary operations required to minimize the extent of damage, protect remaining facilities, and re-establish essential travel.

Typically, repair work designated as "permanent restoration" is performed by contract following a two-to-three week advertising period. Serious damage to essential transportation facilities sometimes requires that restoration of such facilities be started immediately.

Permanent restoration, while usually performed by the contract method, may on occasion be performed by local agency forces using force account procedures (see Chapter 12 "PS&E" in the *Local Assistance Procedures Manual*). Performing permanent work by force account is reserved for unusual situations such as encountering a lack of bidders, projects with scattered and remote locations, and where there is a need for specialized personnel.

When a local agency plans to incorporate force account into the PS&E for a Federally-financed project, it must document the justification in writing, and it must be approved by the City/County Public Works Director. If the Director of Public works is not registered as a California Civil Engineer, the approval can be delegated to the City/County Engineer or the highest level registered engineer in the agency who is. Requests to undertake such work using the force account method must be fully justified and approved before construction begins.

EXPEDITING EMERGENCY RELIEF PROJECTS

Local agencies are expected to maintain safe roadways during disasters. Emergency repairs necessary to protect life and property should be undertaken immediately. Such repairs do not require prior authorization from a Federal/State inspection team, however, keeping good records (i.e., pictures, diagrams, diaries, etc.) is essential to support later reimbursement. The inspection team will later review and authorize work resulting from the disaster that was repaired prior to the inspection team's review. The inspection team will also authorize emergency work remaining to be performed, and work designated as PR. Work so designated should be undertaken as soon as possible after receipt of authorization from FHWA and Caltrans. A local agency is responsible for the preparation of project plans, specifications and estimate (PS&E).

Emergency Relief reimbursement eligibility for work that has not progressed to the construction stage by the end of the “second fiscal year” following the “federal fiscal year” of the disaster may be terminated. Local agency costs incurred and reimbursed (preliminary engineering, right of way, etc.) for terminated projects must be refunded to the federal government. In cases where this deadline is not met, the local agency may request a time extension through their DLAE, with proper justification. DLAE will process the request and forward it to FHWA for approval/disapproval.

Caltrans will process necessary project documents on an expedited basis to permit prompt reimbursement of local agency funds.

SEQUENCE OF ER ACTIONS TO BE PERFORMED

The following checklist indicates the sequence that ER actions are performed, and the related documents submitted to the DLA for review and transmitted to FHWA. Note: See flow chart at the beginning of this chapter.

1. The **local agency performs and prepares records of emergency opening (EO) repairs** to minimize the extent of damage, protect remaining facilities, and restore essential travel.
2. The **local agency identifies damaged locations**, that are federal-aid highways, work performed and the associated cost for EO repairs to date for each location, and prepares a listing.

Note: See Section 2.3 “State-Authorized Projects,” and 2.4 “Stewardship-Letters of Agreement,” in the LAPM for Stewardship-FHWA Oversight project classification.

3. The **local agency** coordinates with Caltrans DLAE to **arrange for the federal/state review team**. The local agency provides personnel familiar with the locations and history of work performed to date. The local agency representative is expected to be an active team member.
4. **Federal/State/local agency** team reviews sites and **prepares Damage Assessment Form (DAF) for EO and/or PR as applicable. Note: All PR work follows regular federal-aid procedures.**
5. The **local agency completes** any identified remaining **emergency opening work and submits Request for Authorization** (see Chapter 3 “Project Authorization,” in the LAPM) to Caltrans - DLAE.
6. **Caltrans prepares and submits Program of Proposed ER Projects** to FHWA for approval.
7. **Caltrans submits either an Authorization to Proceed (E-76) (for State-Authorized projects), or a Request for Authorization to Proceed (for Full Oversight projects), and a Detail Estimate for EO work for each project site** to FHWA and receives funding approval.
8. **Caltrans sends the local agency a Program Supplemental Agreement for each project site.**

9. **Local agency executes Program Supplemental Agreement** and sends it back to Caltrans - DLA. Local agency submits invoices for work completed.
10. Local agency completes Final Inspection Form (FIF) and submits to Caltrans. Caltrans then verifies project completion.

**Additional steps
for projects with
Permanent
Restoration.**

11. The **local agency develops PS&E for any identified permanent restoration work.** This action should be coordinated with Caltrans where complex designs are utilized; consultant services are desired; the estimated cost exceeds the DAF estimate; or the local agency desires a different repair strategy from that written in the DAF report.
12. The **local agency submits PS&E Certification** (see Chap 12, “Plans, Specifications & Estimate” in the LAPM), **R/W Certification to Caltrans and Request for Authorization** for identified items of permanent restoration work. **National Highway System (NHS) projects require submittal of the full PS&E and R/W Certification to Caltrans - DLAE.**
13. **Caltrans:**
 - **DLAE approves PS&E on NHS projects**
 - **DLA submits Request for Authorization** to the FHWA;
 - Receives FHWA’s Authorization to Proceed; and
 - **DLAE sends copy of Authorization to Proceed to local agency.** (Note that any restoration work proposed to be performed by the local agency will be based on a finding of cost-effectiveness established on information provided by the local agency.)
 - **DLA sends Program Supplemental Agreement to local agency.**
14. The **local agency advertises project** and open bids (see Chap 15, “Advertise and Award Project” in the LAPM).
15. **Local Agency executes Program Supplemental Agreement** and returns it to Caltrans - DLA.
16. The **local agency awards contract, submits Contract Award Checklist to DLAE,** proceeds with construction contract and submits invoices.
17. Upon completion of projects, local agency completes Final Inspection Form (FIF) and submits to Caltrans. Caltrans then verifies project completion. See Chapter 17 “Project Completion” in the LAPM for complete details on final inspections.
18. The **local agency prepares final billing** and submits it to Caltrans.

REPORTING OF FINAL COSTS

A local agency must promptly notify the DLAE when each emergency relief project is completed. The local agency will also submit a Final Detail Estimate of cost, together with a Final Invoice in the form specified in Chapter 17, "Project Completion" of the *Local Assistance Procedures Manual*.

The DLAE will prepare a "Report of Completion" (Form 1446C) for each emergency relief project. The Form 1446C is required for both emergency repair and permanent restoration projects. The original and one copy are to be submitted by the DLAE to DLA.

REFERENCES

Title 23 US Code, Section 120(e), Federal Share Payable
Title 23 US Code, Section 125, Emergency Relief
Title 23 US Code, Section 133(c), Surface Transportation Program
23 CFR 688, Emergency Relief Program
FHWA - Emergency Relief Manual - 1994
Major Damage Restoration Coordinators Handbook - 1993 - Caltrans Division of Maintenance
Emergency Management Handbook - 1990 - Caltrans Division of Maintenance

11.5 ROBERT R. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT, FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, administered by the Federal Emergency Management Agency (FEMA), is a comprehensive Federal program providing disaster assistance to both the public and private sectors. The Act can provide disaster assistance funding to both Caltrans (State Highway System) and Local Agencies for eligible disaster damage occurring to transportation facilities not on a Federal-aid highway.

This Act, in the event of a declared natural disaster, can provide for debris removal from the right of way of Federal-aid highways whenever the FHWA determines a Title 23 area-wide declaration is not warranted.

All State involvement under the Act is coordinated by OES. The information required by OES to implement this Act is described in Section 16.2 "Initial Departmental Actions" of the Act. The documentation used by OES to support the request for a Presidential Declaration is submitted to FEMA. FEMA assesses the disaster's total impact upon the State's economy and makes a recommendation to the President of the United States. The President, upon reaching a positive decision, will announce the details governing the "Disaster Area(s)".

Administrative procedures for both the Federal (Robert T. Stafford Disaster Relief and Emergency Assistance Act) and the State (Natural Disaster Assistance Act) - discussed below - are similar.

REFERENCE

FEMA - Handbook for Applicants Pursuant to Public Law 93-288

11.6 CALIFORNIA NATURAL DISASTER ASSISTANCE ACT (NDAA)

The Natural Disaster Assistance Act (NDAA) is a State-funded program to assist disaster impacted local agencies mitigate the effects of disasters that are not of sufficient magnitude to receive Federal assistance. The Act also provides assistance to local agencies in meeting the remaining Federal matching share requirement when Federal disaster programs are authorized.

State agencies are not eligible for assistance under NDAA. OES administers all provisions of the Act. OES may request Caltrans, as well as other State Agencies, to provide personnel and services to assist OES in implementing the Act. This request is made to Caltrans Emergency Relief Program Manager for Local Agency Projects

Detailed information for local agencies seeking assistance under the Act may be found in the OES publication entitled "NDAA - Eligibility Guidelines and Claiming Instructions".

DLA's Disaster Assistance Engineer will advise each disaster-impacted District Local Assistance Emergency Relief Engineer what services are to be provided to the OES and the local agencies.

Localized disasters that do not impact large areas or populations of the state usually do not receive consideration for a Federal disaster program; however, such affected areas will probably be eligible for assistance under NDAA. OES, in such cases, will notify DLA what is required to assist OES to mitigate the effects of the disaster. Each affected District Emergency Relief Engineer will subsequently be contacted by DLA's Disaster Assistance Engineer, who will provide instructions for complying with the OES directive.

NDAA GENERAL

A local agency should apply for available Federal assistance prior to filing for assistance under the State NDAA. The following instructional information is contained in the June 1989 OES Handbook, "Eligibility Guidelines and Claiming Instructions". The important steps necessary for eligibility compliance are listed below.

BASIC PROCEDURES COMMON TO ALL NDAA DISASTER ITEMS

1. To be eligible for assistance under NDAA, a local agency must declare a local emergency within ten (10) days of the actual occurrence of a natural disaster. OES may officially recognize the local emergency request with a "concurrence by the Director", or may include the action of the Governor's Declaration of a State of Emergency;
2. An official incident period will be established at the time of program implementation.

3. A local agency must submit a "Project Application for Natural Assistance" (NDAA Form-1; as duplicated in Exhibit 11-C) to OES within sixty (60) days after the date of a Local Declaration. The Director may extend this deadline only for unusual circumstances. When filing an application for assistance, an applicant must also include the following:
 - A list of damaged facilities (shown in the NDAA Guidelines Exhibit 11-D)
 - A Resolution designating an authorized representative;
 - A separate supplemental EXHIBIT B, Exhibit 11-D, listing Damaged Federal-aid Road projects.
4. After the receipt of the application and the list of damaged facilities, OES will schedule an on-site review of all listed damage locations. Each location will be reported on a separate Damage Survey Report (DSR) (Exhibit 11-E). OES will complete the DSRs, with cost estimates, within sixty (60) days (under normal circumstances) from the date of the local agency application.
5. OES will return the completed application, including a Summary of Approved Costs and copies of approved DSRs, to the applicant's designated authorized representative for review and approval.
6. Upon receipt of the Applicant Approval Form, OES will process an allocation for the State share of approved costs through the State Controller's Office. An authorized representative's signature on the approved document allows the State to process an allocation of funds. A signed original shall be returned to OES within ten (10) days of receiving the document. An applicant does not forfeit the right to a fair hearing or an appeal by signing the approval form.

SPECIAL PROCEDURES FOR FEDERAL-AID ROADS

- Procedures for filing applications that include Federal-aid highways are the same as those described in "Basic Procedures Common to All NDAA Disaster Items", **Provided an Emergency Relief (ER) program is not in effect.**
- Whenever the Governor proclaims a State of Emergency (or a catastrophic failure) due to excessive damage to Federal-Aid highways, the Governor may also request emergency funds pursuant to Title 23, Section 125 U.S.C. Upon concurrence of a natural disaster or catastrophic failure by the FHWA, an ER program will be prepared by Caltrans and submitted to FHWA for approval. The program, when submitted for approval, shall include a detailed outline of the necessary emergency operations performed and a description of the proposed permanent restoration work. Permanent restoration work, other than that performed by an associated part of the emergency operation, shall not be performed prior to program approval and authorization by the FHWA. Prior approval from the FHWA must be obtained before work can commence under a Consulting Engineer Agreement.
- All projects in the local agency NDAA application on Federal-aid highways, to be financed in whole or in part from Federal ER funds under an approved ER program, will be transferred and administered by Caltrans in accordance with FHWA policies and procedures. A separate Local Agency-State Agreement is prepared by the DLA and submitted to the local agency for signature.

- Caltrans has Federal and State authority to work directly with local agencies on projects where ER funds are utilized. Caltrans will remit to the local agencies any and all amounts due them from the share of costs assessable against Federal ER funds.
- When all work is satisfactorily completed and the Agreement is administratively closed, Caltrans will submit final documentation and the closing date of the Agreement to OES. This will allow OES and Caltrans to make a final settlement with local agencies on the approved and accepted projects relating to Federal-aid highways and other public facilities restored or replaced under NDAA.

SCOPE OF PROGRAM BENEFITS

The following list of disaster benefits are available under NDAA. The list is not all inclusive, however, OES must determine, on a case-by-case basis, the eligibility of subjects not included.

- Reimbursement to local agencies for personnel overtime costs and costs of consumable supplies (e.g., road flares and saw blades) used during eligible disaster response projects, incurred as a result of a State of Emergency proclaimed by the Governor
- Assistance to repair, restore, reconstruct, or replace public real property or public facilities belonging to Local Agencies damaged as a result of natural disasters
- Matching fund assistance for cost sharing required under a Federal Disaster Assistance Program
- Certain administrative and indirect costs.

CLASSES OF ELIGIBLE WORK

Typical examples of eligible work in the following categories are included in Section 4 of the OES Handbook, "Eligibility Guidelines and Claiming Instructions".

Class	Category	Type of Work
Emergency Work	A	Debris removal
Emergency Work	B	Emergency protective measures
Permanent Work	C	Streets, roads and bridges
Permanent Work	D	Dikes, levees and flood control facilities
Permanent Work	E	Public buildings
Permanent Work	F	Utilities
Permanent Work	G	Other

REIMBURSEMENT PROVISIONS

The State share of a total project application cannot exceed 75 percent of total eligible cost. No allocation for any project application shall result in a State share of less than \$2,500.00. An NDAA applicant may request an advance of funds to initiate reconstruction of damaged facilities. The amount of cash advance is limited to a 90 percent portion of the total project application cost. The amount of advance is further restricted to bills in hand and estimated expenditures for the next 90 day period.

TIME LIMITATIONS FOR WORK COMPLETION

Authorized work performed under NDAA must be completed within the time limits shown below:

Type	Time Limits
Debris clearance	6 months
Emergency work	6 months
Permanent work	18 months

The time limits are established from the date of Local Declaration and apply to all projects. A local agency may request a time extension, supported by an adequate justification, when it is apparent a project cannot be completed within the prescribed time limits. OES will assess the merit of the request and notify the local agency of its determination.

Applicants receiving Federal Disaster Assistance funds are expected to comply with Federal regulations that establish definite time limits based upon the approval date of the President's Declaration of Disaster or program approval by FHWA.

FINAL CLAIM, INSPECTION AND AUDIT

A local agency, after completing all approved work items, must file a Final Claim with OES. The Claim, accompanied by necessary supporting documentation, NDAA Form-4, Project Summary (Exhibit 11-F) should be submitted within 60 days of completion of all eligible work items.

The local agency should include all eligible item costs in its Final Claim submittal even if the total amount expended may exceed the amount approved by OES. It may be possible to substitute other claimed and eligible costs in the event of an audit disallowance, up to the maximum amount of the approved application. Substantial cost overruns in excess of the approved application amount should be submitted to OES for approval prior to filing a final claim.

All work items and related costs included in the Applicant's claim are subject to a final review and inspection by the State. A State Agency, assigned by OES, will perform an on-site review of all completed work items. Reviewing inspectors shall have access to all original source documentation at the time of final inspection. All supporting claim documentation must be available for review at a single specific location. Reviewing inspectors will summarize their inspection findings for each application line item on NDAA Form-6 (Exhibit 11-G). Final claims resulting in payment of State Disaster funds in excess of \$50,000 will be subject to a State Field Audit. The State reserves the right to audit any claim up to three years following the date of the project closure.

CONTACTS

If you have any question or need assistance with your emergency relief project Exhibit 11-H "Caltrans District Local Assistance Offices" lists the phone number of the Caltrans District Local Assistance Emergency Relief Engineer.

REFERENCES

OES - Natural Disaster Assistance Act as Amended, 1988
Major Damage Restoration Coordinators Handbook - 1993 - Caltrans Division of Maintenance
Emergency Management Handbook - 1990 - Caltrans Division of Maintenance

Title 23 Damage Assessment Form

U.S. Department of Transportation Federal Highway Administration Region 9 Title 23 Damage Assessment Form		Fed. Proj. #: Contract Admin.:	Report Number: Disaster Number: Caltrans EA:	
Locode: Applicant:		County:	DAF Approval Date:	
Location of Damage:		Dist Co Rte KM	Inspection Date:	
Bridge Data: Bridge No Type:	Functional Classification _____		Federal Aid Route:	
Traveled Way: Width: Type:	Fed Aid Hwy <input type="checkbox"/> yes <input type="checkbox"/> no F-Class Check <input type="checkbox"/> yes <input type="checkbox"/> no On State Hwy <input type="checkbox"/> yes <input type="checkbox"/> no	Local Route No.:		
Shoulder: Width: Type:				
Description:			ADT (existing):	
			Photos Roll # Picture #	
COST ESTIMATE				
	Type of Repair	Description or Work	Cost	
EMERGENCY (EO)	Emergency Repair to Date		PE _____	
	<input type="checkbox"/> Force Account		RW _____	
	<input type="checkbox"/> Contract	CE _____		
		Const _____		
	Emergency Repair Remaining		PE _____	
	<input type="checkbox"/> Force Account		RW _____	
	<input type="checkbox"/> Contract		CE _____	
			Const _____	
	SUBTOTAL EMERGENCY =			
	(PR)	Restoration Work		PE _____
<input type="checkbox"/> Force Account	RW _____			
<input type="checkbox"/> Contract	CE _____			
	Const _____			
Note: Prior Authorization required to proceed with restoration			SUBTOTAL RESTORATION =	
Environmental Clearance <input type="checkbox"/> Categorical Exclusion <input type="checkbox"/> Further Environmental Studies Stewardship <input type="checkbox"/> Exempt <input type="checkbox"/> CA <input type="checkbox"/> FHWA Oversight		Preliminary Engineering (10%) _____ Right of Way _____ Construction Engineering (15%) _____ Construction _____ TOTAL ESTIMATED COST = _____		
Recommendation <input type="checkbox"/> Eligible <input type="checkbox"/> Ineligible	FHWA Engineer _____		Date _____	
Concurrence <input type="checkbox"/> Yes <input type="checkbox"/> No	State Engineer _____		Date _____	
Concurrence <input type="checkbox"/> Yes <input type="checkbox"/> No	Local Agency Engineer _____		Date _____	

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION - REGION 9 DAMAGE ASSESSMENT FORM (Title 23, Federal Aid System/Federal Domain)	Report No. _____ Sheet No. _____ of _____ Applicant _____
---	---

Quantity	Unit	Labor, Materials & Equipment	Unit Price	Cost

Note: Attach additional forms if necessary.

Page 11-21
July 1, 1996

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List of Title 23 ER Projects

Note: Program approval shall not constitute an obligation of funds nor shall it establish a date of eligibility for Federal Funding.

District		Project location		Department of Transportation FEDERAL-AID PROGRAM		Sheet _____ of _____		
Class of Federal Funds		<input type="checkbox"/> Non-Urbanized Area <input type="checkbox"/> Urbanized Area				Prepared by _____ Date _____		
						Estimated Cost (\$1,000)		Comments (State)
ITEM NO.	FEDERAL PROJECT NO.	PROJECT DESCRIPTION AND TYPE OF WORK	MPO	LENGTH (miles)	PHASE	TOTAL	FEDERAL FUNDS	
Remarks (Federal)								Phase P=Preliminary Eng C=Construction

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A. NDAA FORM 1 - PROJECT APPLICATIONState of California
OFFICE OF
EMERGENCY SERVICES

APPLICATION NO. OES _____

SUPPLEMENT NUMBER _____

**PROJECT APPLICATION
STATE NATURAL DISASTER ASSISTANCE ACT PROGRAM**

FEDERAL APPLICATION NO. _____

1. APPLICANT'S NAME AND ADDRESS**2. APPLICANT'S AGENT**

(Attach Resolution of Designation)

NAME _____

TITLE _____

ADDRESS _____

CITY & ZIP _____

PHONE: Business(____)_____ Home(____)_____

3. PROJECT SUMMARY

	CATEGORY OF WORK	AMOUNT REQUESTED BY APPLICANT	AMOUNT APPROVED BY STATE
A.	DEBRIS REMOVAL.....	_____	_____
B.	EMERGENCY PROTECTIVE MEASURES.....	_____	_____
C.	ROAD SYSTEMS REPAIRS.....	_____	_____
D.	DIKES, LEVEES & FLOOD CONTROL WORKS	_____	_____
E.	PUBLIC BUILDINGS.....	_____	_____
F.	UTILITIES.....	_____	_____
G.	OTHER	_____	_____
	TOTAL THIS SUPPLEMENT.....	_____	_____
	TOTAL NOW APPROVED FOR APPLICANT.....	_____	_____

Attach detailed description and estimated costs (to the nearest dollar) for each item of work above for which financial assistance is requested (Exhibit B).

4. SIGNATURE OF APPLICANT'S AGENT

(Indicate concurrence with assurances and agreements detailed on reverse of this form)

SIGNATURE _____ DATE _____

TITLE _____

5. OES APPROVAL

Approved in accordance with Exhibit "C," State Analysis attached.

SIGNATURE _____ DATE _____

TITLE _____

ASSURANCES AND AGREEMENTS

- A. The applicant certifies (to the best of his/her knowledge and belief) the disaster relief work herein described for which state financial assistance is requested, is eligible in accordance with the criteria contained in the Natural Disaster Assistance Act (Government Code Section 8680 et seq.).
- B. The applicant is the legal entity responsible under law for the performance of the work detailed and accepts such responsibility.
- C. The applicant certifies that the disaster relief work herein described for which State assistance is requested hereunder does not, or will not duplicate benefits received for the same loss from another source.
- D. The applicant certifies that they have undertaken to recover maximum Federal participation in funding street and highway projects and public facility projects.
- E. The applicant certifies that all information given herein is, to the best of its knowledge and belief, true and correct.
- F. The applicant agrees to (1) provide without cost to the State all lands, easements and rights-of-way necessary for accomplishment of the approved work.
- G.
 - 1) The applicant agrees to comply with Section 3700 of the Labor Code which requires every employee to be insured against liability for Workmen's Compensation, or to undertake self insurance in accordance with the provisions of that code; and will comply with such provisions before commencing the performance of the work.
 - 2) The applicant agrees to comply with the Fair Practices Act in connection with the performance of work under this agreement wherein it agrees it will not willfully discriminate against any employee or applicant for employment because of race, color, religion, ancestry, sex, age or national origin; and it agrees to take affirmative action to insure that applicants for employment are employed, and that employees are treated during employment without regard to their race, color, religion, ancestry, sex, age or national origin, and hereby gives assurance that it will immediately take any measures necessary to effectuate this agreement.
 - 3) If any real property or structure thereon is provided or improved with the aid of the state financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer of such property, any transferee for the period during which the real property or structure is used for a purpose of which the state financial assistance is extended, or for other purposes involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the applicant for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the applicant for the period during which the state financial assistance is extended to it by the agency.
 - 4) This assurance is given in consideration of, and for the purpose of obtaining any and all state grants, loans, reimbursements, advances, contracts, property, discount, or other state financial assistance extended after the date hereon to the applicant. The applicant recognizes and agrees that such state financial assistance will be extended in reliance on the representations and agreements made in this assurance and that the state shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees and assignees, and a person or persons whose signatures appear on the reverse, or authorized to sign this assurance on behalf of the applicant.
- H. The applicant certifies that all financial assistance received under this application will be, or has been expended in accordance with applicable laws and regulations. The applicant certifies that any work performed by a state agency at their request shall be agreed upon in writing and be subject to the State Contract Act. The applicant certifies that the work performed, or to be performed is in accordance with the state and local laws governing the performance of such work.
- I. The applicant certifies that on contracts involving an expenditure in excess of \$25,000, it obtained from the contractor a payment bond in accordance with Sections 3247 through 3252 of the Civil Code.

State of California
OFFICE OF
EMERGENCY SERVICES

State seal here

EXHIBIT “B”
LIST OF PROJECTS
STATE NATURAL DISASTER ASSISTANCE ACT PROGRAM

APPLICANT’S NAME _____

*Category ()A ()B ()C ()D ()E ()F ()G

ITEM NO	FEMA REVIEW (Y/N)	LOCATION	DESCRIPTION	SCOPE OF WORK	Damaged In Prior Disaster (Y/N)

*Separate form should be completed for each category of work
OES 95 (Rev. 3/89)

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State of California
OFFICE OF
EMERGENCY SERVICES

Applicant No. OES	DSR No	Category () A () B () C () D () E () F () G
Inspection Date	Supplement to DSR No.	Final Report () Yes () No

DAMAGE SURVEY REPORT
STATE NATURAL DISASTER ASSISTANCE ACT PROGRAM

APPLICANT'S NAME	DAMAGED FACILITY LOCATION	Percentage of Work Completed
		County
Description of Damage	Work to be Accomplished by: () Force Account () Contract	
Scope of Work to be Completed	FEMA Eligible () Yes () No	
LABOR, EQUIPMENT & MATERIAL	QUANTITY	UNIT OF MEASURE
		UNIT PRICE
		COST
Existing Insurance () Yes () No	Subtotal from Continuation Sheets \$	
Premium \$ Deductible \$	TOTAL COST \$	

Name of Inspector	Agency	Date	Eligible () Yes () No
Name of Local Representative	Title	Signature	Concurrence () Yes () No
Name of Local Representative	Title	Signature	Approved () Yes () No

Applicant No.	DSR No.
OES	

STATE NATURAL DISASTER ASSISTANCE ACT PROGRAM

APPLICANT			CATEGORY: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G	
MATERIAL AND/OR DESCRIPTION	QUANTITY	UNIT OF MEASURE	UNIT PRICE	COST
		TOTAL COST-THIS SHEET		\$

Applicant No. OES	DSR No.
----------------------	---------

STATE NATURAL DISASTER ASSISTANCE ACT PROGRAM

APPLICANT	CATEGORY: ()A ()B ()C ()D ()E ()F ()G
-----------	--

[illegible]

Applicant No. OES	DSR No.
----------------------	---------

STATE NATURAL DISASTER ASSISTANCE ACT PROGRAM

APPLICANT	CATEGORY: ()A ()B ()C ()D ()E ()F ()G
-----------	--

SKETCHES

1. General Information	
Name:	
Address:	
City:	
State:	
Zip:	
Phone:	
2. Employment Information	
Employer:	
Position:	
Start Date:	
End Date:	
Reason for Leaving:	
3. Education Information	
Level of Education:	
Field of Study:	
Graduation Date:	
4. Skills and Experience	
Skills:	
Experience:	
5. References	
Reference 1:	
Reference 2:	
Reference 3:	

OFFICE OF
EMERGENCY SERVICES

BRIDGE SURVEY

(Supplement to Engineering Review)

APPLICANT:	ITEM NO.	DATE OF INSPECTION:
------------	----------	---------------------

I. APPROACH ROAD

A. LOCAL OR STATE CLASSIFICATION:		B. SURFACING	
C. AVERAGE WIDTH TRAVELED WAY SHOULDERS:	LEFT APPROACH	RIGHT APPROACH	
	FT	FT	
	FT	FT	
D. SAFE SPEED LIMIT AT BRIDGE:		ADT AT BRIDGE*:	

II. BRIDGE

A. TYPE OF BRIDGE		B. AGE OF BRIDGE*		C. REMAINING SERVICE LIFE PRIOR TO NATURAL DISASTER			
D. BRIDGE COMPONENTS	TYPE OF CONSTRUCTION	Damage due to Disaster (check one)					
		Destroyed	Heavy	Light	None		
Superstructure (Less Deck)							
Deck							
Sidewalks							
Left Abutment							
Right Abutment							
Piers							
Wingwalls							
Slope Protection							
Stream Channel							
E. BRIDGE STATISTICS	EXISTING TO DISASTER	PROPOSED (DO NOT COMPLETE IF BRIDGE IS REPAIRABLE)					
CURB TO CURB WIDTH	FT	FT					
BRIDGE LENGTH	FT	FT					
NO. OF SPANDS OR CELLS							
SIDEWALKS	() NONE () 1 SIDE () 2 SIDES	() NONE () 1 SIDE () 2 SIDES					
WIDTH	FT	FT					
LOAD LIMIT*	TONS	TONS					
WATERWAY OPENING							
DRAINAGE AREA*	ACRES	ACRES					

III. COMMENTS

1. DISASTER RELATED DAMAGES ARE (ARE NOT) REPAIRABLE:		
STATE INSPECTOR:	STATE AGENCY	DATE:

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PROJECT SUMMARY
(Claim for Cost of Eligible Disaster Work)
STATE NATURAL DISASTER ASSISTANCE ACT PROGRAM

STATE NO.: OE _____

DATE: _____
 FEMA P.A. NO.: _____

APPLICANT'S NAME: _____

State DSR No.	Federal DSR No.	Date Work Completed	Total Amount Approved by Federal	Total Amount Approved by State	Total Amount* Claimed by Applicant
Sub-total from reverse side					
TOTAL			\$	\$	\$

*Do not include administrative allowances

CERTIFICATION OF DOCUMENTATION

I HEREBY CERTIFY under penalty of perjury: That I am the duly authorized official of the herein names Applicant; that the above claim is in all respects true, correct, and has not heretofore been paid, and is in accordance with law; that materials, supplies or services listed herein have been received or performed; that the materials, supplies or services for which payment was made were used or performed exclusively in connection and consistent with Disaster Assistance of the applicant in accordance with the Natural Disaster Assistance Act and applications approved by the Office of Emergency Services; that original contracts, invoices, vouchers or payrolls in support of this claim are on file in the office of the herein names applicant; that I have not violated any of the provisions of Section 1090 to 1096 inclusive of the Government Code in incurring the items of expense referred to in this claim.

I certify that I am the fully qualified and authorized official of the herein applicant responsible for the examination and settlement of accounts; and that the accounts claimed have been paid by the herein named applicant.

 Applicant

 (Signature of Applicants Agent)

By _____
 Auditor-Controller-Clerk of Applicant

 Title

This form must be completed and submitted within sixty (60) days following completion of all work to:
 OFFICE OF EMERGENCY SERVICES, DISASTER ASSISTANCE DIVISION
 2800 MEADOWVIEW ROAD, SACRAMENTO, CA 95823

(For Internal Use Only)	SHA (FUND 254)	PFA (FUND 251)
TOTAL APPROVED FINAL CLAIM	\$	\$
Administrative Allowance	\$	\$
Amount of Prior Advances	\$	\$
AMOUNT OF FINAL PAYMENT	\$	\$
Date	Reviewer	Title
Date	Approval	Title

NDAA FORM 4 (Replaces NDAA FORM 4 & 5) (Rev. 5/91)

Page 1 of 2

STATE NO: OES _____ FEMA P.A. NO: _____

State DSR No.	Federal DSR No.	Date Work Completed	Total Amount Approved by Federal	Total Amount Approved by State	Total Amount* Claimed by Applicant
SUBTOTALS			\$	\$	\$

Page 2 of 2

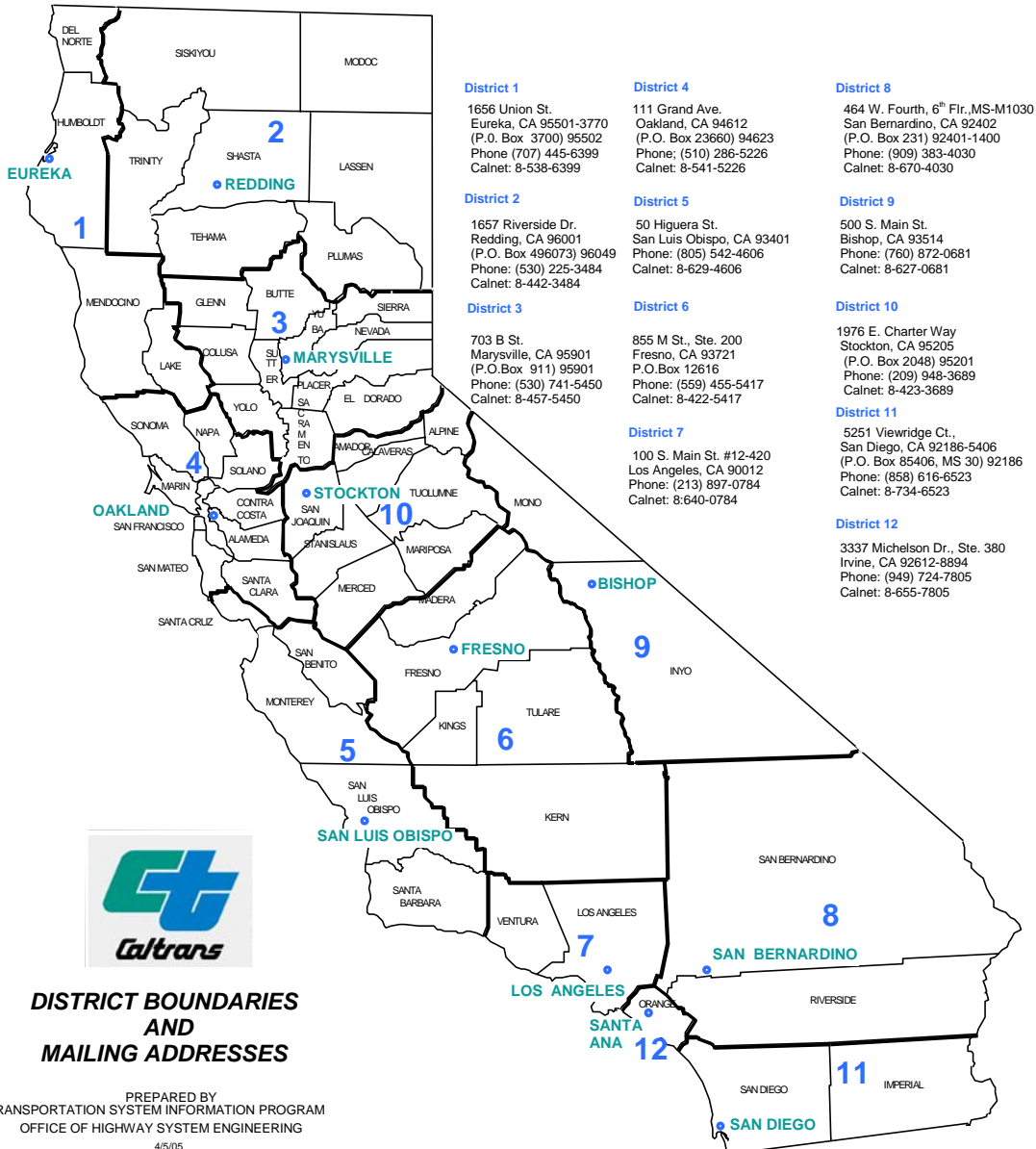
APPLICATION NO. _____

* Narrative attachment should be added to explain any substantive changes in cost or scope of approval.

NDAA FOR 6 (Rev. 3/90)
OES 124

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CALTRANS DISTRICT LOCAL ASSISTANCE OFFICES

STATE OF CALIFORNIA
Business Transportation and Housing Agency
Department of Transportation

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